Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)
	)
FCC's Draft Strategic Plan for	)
Fiscal Years 2006-2011	)

COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby files these Comments on the Commission's draft strategic plan for fiscal years 2006 through 2011. MSV fully supports the goals proposed by the Commission and explains herein how Mobile Satellite Service ("MSS") supplemented with an Ancillary Terrestrial Component ("ATC") will facilitate these goals.

Background

MSV. MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate an MSS system in the L band. MSV's licensed satellite (AMSC-1) was launched in 1995, and MSV began offering service in 1996. MSV is also the successor to TMI Communications and Company, Limited Partnership (TMI) with respect to TMI's provision of L band MSS in the United States. Today, MSV offers a full range of land, maritime, and aeronautical satellite services, including voice and data, using both its own U.S.-licensed satellite and the Canadian-licensed L band satellite licensed to Mobile Satellite Ventures (Canada) Inc. In November 2004, the Commission authorized MSV to supplement its satellite service with in-band terrestrial facilities, called ATC.[1] The Commission has acknowledged the many public

[1] *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 04-3553 (Chief, International Bureau, November 8, 2004).

interest benefits of allowing MSS licensees to reuse their spectrum for terrestrial service.[2] MSV is currently developing Requests for Proposal for vendors for the construction of its terrestrial network.

Draft Strategic Plan. On July 5, 2005, the Commission released its draft strategic plan for fiscal years 2006 through 2011, which outlines the Commission's proposed strategic direction for the next five years.[3] Among the general goals the Commission proposes are the following: (i) ensuring all Americans have affordable access to robust and reliable broadband products and services; (ii) promoting competition in the provision of communications services; (iii) ensuring efficient and innovative use of spectrum; and (iv) ensuring the Nation's critical communications infrastructure is reliable, interoperable, redundant, and rapidly restorable. The Commission notes that the draft plan is still a "work-in-progress" and seeks input from the public on its strategic direction as well as the means and strategies the Commission should undertake to accomplish its goals.

Discussion

MSV fully supports the goals the Commission has proposed for fiscal years 2006 through 2011. Achievement of the Commission's stated goals will ensure that all Americans, including those in rural and remote areas, enjoy access to broadband services from competitive providers. The Commission's goals will also further promote the role of the United States as the global leader in developing efficient and innovative uses of spectrum. Moreover, achievement of the Commission's goals will ensure that the Nation's communications infrastructure is reliable and

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[2] *See Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands, Report and Order*, 18 FCC Rcd 1962, FCC 03-15, IB Docket No. 01-185 (February 10, 2003) ("*ATC Order*"), *amended by Errata* (March 7, 2003).

[3] *Public Notice, Public Invited to Review Draft Strategic Plan* (July 5, 2005) ("*Draft Strategic Plan*").

interoperable to serve the critical communications needs of the public safety and homeland security communities.

As discussed below, many of the Commission's stated goals are being met today by MSS operators, particularly by those operators that plan to supplement their networks with ATC. The Commission should continue to adopt policies that facilitate the development of MSS and ATC in order to meet its stated goals.

Ensuring that all Americans have affordable access to broadband services. MSS systems are ideally suited to bring affordable broadband services to all Americans, particularly those Americans residing in or visiting rural and remote areas. MSV agrees with the Commission's view that broadband should be defined in a technologically neutral fashion that includes any platform capable of providing high-bandwidth intensive services, including satellites services. *Draft Strategic Plan* at 6. This is important because, in many areas of the country, the availability of high-speed data connections depends on satellite delivery. Terrestrial wireless or wireline facilities can never cover the hundreds of thousands of square miles of the Nation's land mass, the skies above, and inland and surrounding waterways that can only be covered efficiently and economically by satellites. Indeed, the Commission has recognized that MSS operators are uniquely capable of offering service in areas that terrestrial wireless or wireline carriers are unable or unwilling to serve.[4] Moreover, when supplemented with ATC,

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[4] *See, e.g., Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band,* 15 FCC Rcd 16127, ¶ 35 (August 25, 2000) ("*2 GHz Service Order*") ("[W]e believe satellites are an excellent technology for delivering basic and advanced telecommunication services to unserved, rural, insular or economically isolated areas. . . . We remain committed to encouraging the expeditious delivery of telecommunications services, via satellite services, to unserved communities."); *Extending Wireless Telecommunications Services To Tribal Lands, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 11794, ¶ 13 (June 30, 2000) ("[S]atellites may offer cost advantages over wireline access in rural and remote areas, where sparsely populated areas cannot provide the economies of scale to

MSS operators will be able to offer consumers in urban, rural, and remote areas the same small, inexpensive, handheld terminals that allow for broadband voice, video, and data services.[5] For the first time, residents of and visitors to rural and remote areas will enjoy the same inexpensive and user friendly equipment that is common in urban and suburban areas. By adopting policies that facilitate the continued development of MSS and ATC, the Commission will achieve its goal of ensuring that all Americans have access to broadband.

Promoting competition in the provision of communications services. The emergence of MSS systems supplemented with ATC will also promote competition in numerous sectors of the telecommunications marketplace. For example, as the Commission noted in authorizing ATC, MSS supplemented with ATC will increase competition in the niche markets MSS providers currently serve, such as the maritime, aeronautical, commercial transportation, and public safety markets. *ATC Order* ¶ 23. The competition provided by MSS operators in rural markets is particularly critical given the limited number of terrestrial wireless carriers that serve those

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justify the deployment costs of wireline networks. Satellites have large coverage areas and, in many cases, can reach an entire nation, thereby spreading the costs of deployment across a number of communities. Satellites also provide communications opportunities for communities in geographically isolated areas, such as mountainous regions and deep valleys, where rugged and impassable terrain may make service via terrestrial wireless or wireline telephony economically impractical. Satellites can offer a variety of telecommunications services, from basic low-bandwidth services such as data messaging services and basic telephone service to more advanced, higher bandwidth services, such as voice dispatch, video, and high speed Internet access."); *Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the Upper and Lower L-band, Notice of Proposed Rulemaking*, 11 FCC Rcd 11675, ¶ 12 (1996) ("MSS can serve areas of the country that are too remote or sparsely populated to be served by terrestrial land mobile systems. It can generate a host of new services by providing communication between virtually any point in the country, irrespective of distance.").

[5] *ATC Order* ¶ 32 ("By taking advantage of potential integration of services, MSS operators may also obtain economies of scale: larger customer bases could provide the opportunity to support larger production volumes and, therefore, lower costs for handsets and other equipment.").

markets.[6] Even in the urban markets that terrestrial wireless carriers serve, MSS systems supplemented with ATC will offer consumers a competitive alternative for mobile voice, video, and data services, which is critically important given the increasing concentration in the terrestrial wireless industry. This additional source of competition for wireless broadband services is critical to meet the Commission's stated objective of "encourag[ing] both intra-modal and inter-modal competition." *Draft Strategic Plan* at 9. Thus, by facilitating the development of MSS and ATC, the Commission will promote its goal of increasing competition in many segments of the telecommunications market.

Ensuring efficient and innovative use of spectrum. MSS technology, especially when supplemented with ATC, is a prime example of the type of spectrum efficiency and innovation the Commission's policies should promote. Indeed, increasing efficient use of spectrum was one of the key factors leading to the Commission's authorization of ATC.[7] With ATC, MSS operators can reuse for terrestrial service in urban areas the exact same spectrum that they use to provide satellite service to other customers in other geographic areas without diminishing capacity for satellite service. MSS supplemented with ATC represents the height of spectrum efficiency, because it will make use of otherwise unusable spectrum in urban environments while at the same time ensuring that rural and underserved areas receive robust and reliable broadband satellite service. By promoting the further development of MSS and ATC, the Commission will be serving its goal of fostering spectrum efficiency and innovation.

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[6] *See Ninth Annual Report and Analysis of Competitive Market Condition with Respect to Commercial Mobile Services*, 19 FCC Rcd. 20597 (2004), at App. B, Map 1 (demonstrating vast regions of U.S. land mass served by only one terrestrial mobile operator).

[7] *ATC Order* ¶¶ 1 (noting that ATC will "increase the efficiency of spectrum use through MSS network integration and terrestrial reuse"); *id.* ¶ 21 (explaining that "MSS ATC, in essence, allows licensees the flexibility to achieve greater use of their licensed satellite spectrum than possible under our current MSS service rules").

The Commission's authorization of ATC also demonstrates how its flexible spectrum use policies facilitate dramatic improvements in spectrum efficiency. As the Commission notes, "[e]xplosive growth in new technologies – particularly handheld and wireless devices – has driven demand for new spectrum allocations. Increasing demand for spectrum requires new and innovative management techniques to allocate, assign, and use spectrum more efficiently and effectively." *Draft Strategic Plan* at 12-13. Permitting MSS operators the flexibility to supplement their networks with ATC provides one example of how the Commission can meet the increasing demand for spectrum without having to allocate additional spectrum. The Commission should continue to promote flexible spectrum use policies to encourage increased spectrum efficiency.

Promoting reliable and interoperable networks for public safety and homeland security. As the Commission has recognized, satellites in general, and MSS systems supplemented with ATC in particular, are ideally suited for providing critical communications capabilities to public safety and national security interests.[8] Indeed, the 2004 National Security Telecommunications Advisory Committee ("NSTAC") Satellite Task Force Report to the President found that the

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[8] *See ATC Order* ¶ 29 ("By offering ubiquitous coverage with instant, nationwide interoperability, ATC-enhanced MSS may make the public, law enforcement and public-safety organizations easier to reach in the field, regardless of location. Accordingly, MSS ATC may enhance the nation's overall ability to maintain critical telecommunications infrastructure in times of crisis or disaster."); *see also Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the Upper and Lower L-band, Notice of Proposed Rulemaking*, 11 FCC Rcd 11675, 11681 ¶ 12 (1996) (noting that satellites "provide emergency communications to any area in times of emergencies and natural disasters"); *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, Notice of Proposed Rulemaking*, 10 FCC Rcd 3230, ¶ 7 (1995) (noting that satellites "provide nationwide public safety coverage. . . . [and] could satisfy important requirements that cannot be economically satisfied by other means"); *Qualcomm Incorporated, Order*, DA 00-2438, ¶ 7 (Chief, Wireless Bureau, Oct. 30, 2000) (explaining that satellites "may provide an important additional emergency telecommunications resource, especially to callers located in remote and rural areas and callers located in underpopulated regions where neither landline nor terrestrial mobile services exists").

commercial satellite industry is critical to national, economic, and homeland security. MSV, for exampled, currently provides service to the police and fire departments in New York City, the New York State Office of Emergency Management, Port Authority of New York and New Jersey, United States Coast Guard, Federal Emergency Management Agency, Center for Disease Control and Prevention, American Red Cross, California Office of Emergency Services, Connecticut Department of Public Health, Miami-Dade County (FL) Fire Rescue, and New Mexico State Police, to name just a few.

Among the unique advantages of MSS technology supplemented with ATC for serving the needs of the public safety and homeland security communities include (i) providing truly ubiquitous coverage, from the densest urban cores to the most rural and remote areas; (ii) the ability to continue to operate when events occur on the ground, including power outages, because satellites are located thousands of miles above the Earth and are thus immune from such disasters; (iii) the ability to offer a full range of voice, data, and video services to small and inexpensive handsets; (iv) facilitating interoperable communications networks resulting from ubiquitous coverage;[9] and (v) the ability to dynamically reassign spectrum resources to those geographic areas most in need of communications capabilities. By adopting policies that further the development of MSS and ATC, the Commission will go a long way towards achieving its goal of ensuring that the Nation's critical communications infrastructure is reliable, interoperable, redundant, and rapidly restorable.

The Commission states that one of its objectives with respect to public safety is "to ensure that public safety users have adequate spectrum." *Draft Strategic Plan* at 11. MSV fully

[9] Indeed, the potential for a nationwide interoperable public safety network was one of the key factors resulting in the Commission's decision to allow MSS operators to integrate ATC into their networks. *See ATC Order* ¶ 29.

supports this objective. Rather than solely dedicating more spectrum specifically for public safety uses, however, the Commission should also ensure that spectrum assigned for commercial use can be used for public safety applications.[10] Indeed, the Commission states that one of its objectives is to "consider whether commercial services and technologies may be used to more effectively address public safety communications needs." *Draft Strategic Plan* at 16. In particular, the Commission should encourage public safety users to take advantage of hybrid satellite and terrestrial networks under development by MSS operators that meet the key requirements for a public safety network: ubiquitous access; reliability; interoperability; configurability; and security.

Conclusion

MSV fully supports the goals proposed by the Commission in its draft strategic plan for 2006 through 2011 and urges the Commission to continue to promote MSS technology supplemented ATC as a means to achieve those goals.

Respectfully submitted,

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[10] *See* Letter from Jennifer A. Manner, Mobile Satellite Ventures LP, to Marlene H. Dortch, FCC, WT Docket No. 05-157 (June 22, 2005) (attaching "Taking a Fresh Look at Public Safety's Spectrum Needs: Toward a Next-Generation Strategy for Public Safety Communications" prepared by Dale Hatfield and Phillip Weiser of the University of Colorado's Interdisciplinary Telecommunications Program).